

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMBROSE N. GRANT, MARLON O. WEBSTER,
JONATHAN MOSKOWITZ, WAYNE EDWARDS,
RABINDRANATH L. NAL, DESHAUN F.
MUCTHISON, THOMAS BRENNAN and
MAURICE JOHNSON, Individually and on Behalf of
All Other Persons Similarly Situated,

Plaintiffs,

-against-

UPTOWN COMMUNICATIONS & ELECTRIC,
INC., JONATHAN SMOKLER and DANIEL
GREENBERG,

Defendants.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11-2-11

Case No. 11-cv-3975 (PKC)

LINDELL CAMPBELL, Individually and on Behalf
of All Other Persons Similarly Situated,

Plaintiff,

-against-

UPTOWN COMMUNICATIONS & ELECTRIC,
INC., JONATHAN SMOKLER, DANIEL
GREENBERG, and JOHN DOES #1-10,

Defendants.

Case No. 11-cv-2758 (PKC)

ECF CASES

[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF SETTLEMENT

WHEREAS, the Parties in the above-captioned Actions have entered into a Stipulation and Settlement Agreement ("Settlement Agreement") and have sought the Court's approval of their Class Action Settlement; and

WHEREAS, the Court has considered the papers submitted by the parties;

The Court hereby Orders the following:

1. The Court grants preliminary approval of the Settlement Agreement and certification of the Settlement Class based upon the terms set forth in the parties' Settlement Agreement. The Settlement appears to be fair, reasonable, and adequate to the Settlement Class.

2. The Settlement falls within the range of reasonableness and appears to be presumptively valid, subject only to any objections that may be raised at the final hearing and final approval by this Court.

3. The Court preliminarily approves Class Counsels' request for attorneys' fees as set forth in the Settlement Agreement.

4. A final approval hearing on the question of whether the proposed Settlement Agreement, attorneys' fees and costs to Class Counsel, and the class representatives' service payments should be finally approved as fair, reasonable, and adequate as to the members of the class is scheduled for March 9, 2012 at 2pm.

5. The Court approves, as to form and content, the Notice of Pendency of Class Action Settlement ("Class Notice"), in substantially the form attached to the Settlement Agreement as Exhibit A, and the Proof of Claim Form, in substantially the form attached to the Settlement Agreement as Exhibit B. The Court also approves the procedure for Class Members to opt-out of or object to the Settlement set forth in the Class Notice and Settlement Agreement.

6. The Court directs the mailing of the Class Notice and Claim Form by first class mail to the Class Members in accordance with the Implementation Schedule set forth below.

7. The Court finds that the dates selected for the mailing and distribution of the Class Notice and Claim Form, as set forth in paragraph 10, *infra*, meet the requirements of due process, provide the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

PKC
Delete reference to "Magistrate Judge" in VIII C.

8. The New York State Law and FLSA Settlement Classes as described in the Settlement Agreement are preliminarily certified for settlement purposes only.

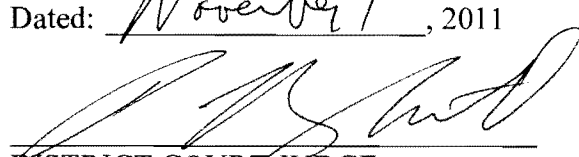
9. The Court confirms the following law firms as Class Counsel: Lipman & Plesur, LLP, Law Offices of William Coudert Rand and Gottlieb & Associates.

10. The Court orders the following Implementation Schedule for further proceedings:

Deadline to Mail Class Notice and Claim Form	Thirty (30) Days from this Order
Deadline for Defendants to Mail CAFA Notice, pursuant to the requirements of the Class Action Fairness Act of 2005 ("CAFA"), 28 U.S.C. § 1715(b)	Ten (10) days from the date Settlement Agreement is filed
Deadline to Submit Claim	Ninety (90) Days from Mailing of Class Notice
Deadline for Receipt of Objections	Ninety (90) Days from Mailing of Class Notice
Final Approval Hearing	<i>March 9, 2012 at 2 pm</i>
Deadline for Defendants to Make Settlement Payments to Settlement Administrator	Within twenty (20) days of the Final Settlement Order Approving and Certifying Class Action and Settlement

IT IS SO ORDERED.

Dated: *November 1*, 2011


 DISTRICT COURT JUDGE